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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 05-00215-JW
Plaintiff,)	
vs.)	OBJECTION BY DEFENDANT ERIC
)	LIGHTER TO GOVT'S EX PARTE
SAMUEL S. FUNG and ERIC AARON)	APPLICATION FOR IMMUNITY FOR
LIGHTER,)	WITNESS JEAN-PAUL BOURDIER
Defendants.)	AND REQUEST FOR ADDITIONAL
)	TIME TO SUBMIT SUBSTANTIVE
)	<u>BRIEFING ON THIS ISSUE.</u>

I, Jerry Y. Fong, declare:

1. I am an attorney licensed to practice law before this Court and am the attorney of record for Defendant Eric Lighter in this case.

2. On September 2, 2010, at approximately 2:50 p.m., I saw the ECF notice regarding the Government's ex parte application for immunity for a key witness in the upcoming trial of this case, Jean-Paul Bourdier.

3. I had no prior notice that this application would be made or that Mr. Bourdier is seeking immunity from the Government to appear as a witness at trial.

4. Currently, I am preparing for an important hearing tomorrow in the District Court in San Francisco. I cannot submit a substantive brief opposing the Government's

1 application until this weekend.

2 5. Also, I am due to fly to New York on another case early Tuesday morning (at
3 6:15 a.m.), returning to the Bay Area around 11:00 p.m. on Wednesday night.

4 6. I need additional time to research this issue and to write a substantive brief,
5 setting forth Mr. Lighter's position.

6 7. In the meantime, I do not want to waive or give up any legal bases on which
7 Mr. Lighter has or might reasonably have to oppose this ex parte application.

8 8. Accordingly, I respectfully request that the Court not rule on the Government's
9 application until *after* next Thursday so that I can submit a substantive brief by 4:00 p.m. on
10 Thursday, September 9, 2010. Again, I wish to preserve Mr. Lighter's rights until I can
11 better determine the applicable legal standard, potential harm to Mr. Lighter's case, and any
12 practical implications of a grant of the requested immunity.

13 I declare under the penalty of perjury that the foregoing is true and correct. Executed
14 on September 2, 2010, in Palo Alto, CA.

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17 /S/
18 JERRY Y. FONG
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